

## **REMARKS**

Claims 1, 7, 13 and 16 have been amended to clarify that automatic optimizing object code of the program includes selecting, from among a plurality of optimization techniques and based on logical relations between said optimization techniques, a not previously tried one of optimization techniques if a previously tried optimization technique was unsuccessful. Support for these amendments is found in the specification as originally filed, for example at page 23, lines 5-11. No new matter is being added by these amendments.

As amended, the claims are patentable over Arnold et al., U.S. patent 6,971,091. Arnold discusses a recompilation scheme in which a previously optimized program is considered for reoptimization if profiling data indicates that optimizing opportunities were missed during a prior optimization. This is clearly unlike the presently claimed invention where a not previously tried optimization technique is selected if a previously tried optimization technique was unsuccessful. Nowhere does Arnold teach or suggest such features of the present claims. Accordingly, claims 1, 7, 13, and 16, and their respective dependent claims are patentable over Arnold.

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Respectfully submitted,

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